

**From:** [Ohl, Matthew](#)  
**To:** [Exemption 6](#)  
**Cc:** [Pope, Janet](#); [Thurlow, Timothy](#); [Jablonowski, Eugene](#); [Fusinski, Keith](#)  
**Subject:** Town of Pines Council  
**Date:** Thursday, March 21, 2013 5:17:00 PM

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George:

Thank you for the response you hand delivered to me at our March 6, 2013 meeting regarding the Town Council's involvement in the Remedial Investigation/Feasibility Study (RI/FS) process for the Town of Pines Superfund Site. I am sorry that you found my February 14, 2013 email to have a condescending tone. It was certainly not intended.

EPA views the Pines Town Council as an important participant in the Superfund process as we move toward selecting a remedy for the site. EPA required the inclusion of the Technical Assistance Plan in our agreement with the Site's Potentially Responsible Parties for that very reason. Under the TAP, P.I.N.E.S should work with the community, including the Town Council, to ensure they understand the process and inform EPA of any concerns the community may have. However, EPA does not consider it the only forum for communication. EPA has held availability sessions/meetings, issued factsheets, conducted interviews, among other outreach efforts. EPA is also committed to providing documents like the RI/FS to the Council and to responding to questions and concerns raised by the Council. EPA's attendance at Council meetings and discussions with the PRPs regarding the Ardentale culvert are evidence of that commitment.

However, we clearly hear your message, that you don't feel communication with the Town Council has been adequate. In your message you suggest that Town Council involvement should also include the review of draft documents, a role equivalent to IDEM's, and the provision of an independent technical advisor. That type of involvement generally is not provided at Superfund sites because Congress intended for EPA, with consultation from the State, to represent the public's interests in these matters. Additional reviewers can result in additional delays in the cleanup process. However, given your concerns we are willing to work with you to better integrate the Town Council's input in the cleanup process. We can discuss that process further at future meetings. Council input would need to be completed within the timeframes EPA currently provides to the State and the PINES group in order to maintain the project schedule. Like the State's role, the Town Council's role would be consultative and EPA would have no obligation to provide a formal response to any comments. EPA has the sole approval authority for work at this site.

I will work with our team to address your concerns in our communication strategy. The Town Council plays an important role in representing the community, and we will have an opportunity to discuss any suggestions for improving outreach with you. I am also planning to schedule additional availability sessions and mailings to discuss the project status directly with the community.

Please be aware that there is no provision in the law that would allow EPA to assist the Town Council in procuring a technical advisor. Superfund does give local communities an opportunity to receive technical assistance, but not directly to local governments. Rather, funding is provided to what the regulations define as a "qualified local community group". Federal regulations governing such technical assistance specifically exclude from eligibility political subdivisions such as townships or municipalities (40 CFR § 35.4020). The

P.I.N.E.S. group, under the TAP, retained Geo-Hydro as its technical advisor. Under an agreement in 2011, P.I.N.E.S. received additional funding for review of RI/FS documents. EPA would hope that any uncertainty you have about the quality of the science underlying the RI/FS could be addressed through the TAP. The technical advisor, working with P.I.N.E.S., should help the community, including the Town Council, interpret and understand technical site information. If the Town Council is interested we would be willing to facilitate a conversation with P.I.N.E.S to help get the Council's needs met via the TAP. Please contact me to discuss integrating the Town Council's input in the process and any further questions you may have regarding this matter.

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